

REMARKS

Claims 1, 3, 5, 6 and 8 are pending and under consideration in the above-identified application. Claims 2, 4, 7 and 9-18 have been previously cancelled.

In the Office Action dated August 18, 2009, the Examiner rejected claims 1, 3, 5, 6 and 8.

With this Amendment, claim 1 was amended and claim 5 was cancelled. No new matter has been introduced as a result of the amendment.

I. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1, 3 and 6-8 were rejected under 35 U.S.C. § 103(a) as being obvious over Sonoda, et al. (U.S. Publication No. 2002/0028389) in view of Oyama et al. (WO 02/33765) and Okamoto et al. (U.S. Publication No. 2003 0027050). Applicant respectfully traverses this rejection.

Claim 1 requires a battery that includes an electrolyte that contains an anion expressed by Chemical formula 1, an anion selected from the group consisting of PF_6^- , BF_4^- , ClO_4^- and AsF_6^- , an anion expressed by Chemical formula 2, and (4) an anion expressed by Chemical formula 4. The claims also require that the moisture content in the electrolyte is 100 ppm or less at a mass ratio in relation to the electrolyte. As a result of the moisture content and mass ratio relationship, high temperature storage characteristics are improved. Specification, page 6 and Tables 1 & 2.

The Examiner stated that Sonoda et al. teaches that too much moisture in the electrolyte causes the electrolyte to decompose. Office Action, page 3. However, Sonoda et al. specifically teaches that "LiPF₆ is problematic in that it reacts sharply with moisture to decompose." Sonoda et al, paragraph [0004] (emphasis added). Sonoda et al. does not teach or even fairly suggest that the moisture content is problematic for all components of an electrolyte, nor does Sonoda et al.

teach reducing the moisture content as required by the claims. Instead, Sonoda et al. suggests a non-aqueous electrolyte that is made of a non-aqueous solvent and a solute represented by the formula $\text{MBR}^1\text{R}^2\text{R}^3\text{R}^4$.

In order to establish obviousness of a claim, the prior art must disclose or suggest each element of the claim; there must be some reason that would have prompted one of ordinary skill in the art to combine the elements and/or modify a reference(s) so as to reach the requirements of the claim; and there must have been a reasonable expectation of success of the combination and/or modification. MPEP § 2143; *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. ___, Slip Op No. 04-1350, 119 Fed. Appx. 282 (April 30, 2007). Here, Sonoda et al. does not teach reducing the moisture content as required by the claims, instead Sonoda et al teaches a non-aqueous electrolyte that does not include LiPF_6 to solve the problem caused by decomposition of LiPF_6 .

As such, Sonoda et al. fails to teach or even fairly suggest all the required elements of the claims. Accordingly, taken either singularly or in combination with each other, the above cited references fail to teach or even fairly suggest all the requirements of the claims. Therefore, claims 1, 3, 6 and 8 are patentable over the cited references and Applicants respectfully request the above rejection be withdrawn.

II. Conclusion

In view of the above amendments and remarks, Applicants submit that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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